

SIXTY-FIRST DAY

(Wednesday, April 30, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of the Sixtieth Legislative Day was dispensed with and the Journals for that day were approved.

Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Weinert was granted leave of absence for today and tomorrow on account of illness, on motion of Senator Moore.

Senator Cotten was granted leave of absence for today on account of illness, on motion of Senator Vick.

Senate Concurrent Resolution 42

Senator Chadick offered the following resolution:

S. C. R. No. 42, Authorizing correction in enrolled copy of S. B. No. 292.

Whereas, S. B. No. 292 has passed both Houses of the Legislature and is now on the Governor's desk for his signature; and

Whereas, Such bill in the emergency clause as engrossed has an error; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That said bill be recalled from the Governor's office so that such error may be corrected by inserting immediately following the word "shrine" where it appears the first time in Section 5 of such bill, the following words: "of this character"

The resolution was read, and on motion of Senator Chadick and by unanimous consent, it was considered immediately.

The resolution was adopted.

Senate Concurrent Resolution 43

Senator Lovelady offered the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That H. B. No. 373 be returned to the Senate for further consideration.

LOVELADY,
METCALFE.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

Senate Concurrent Resolution 44

Senator Sulak offered the following resolution:

S. C. R. No. 44, To request Congress to provide for a special national farm program.

Whereas, The Forty-seventh Texas Legislature passed H. C. R. No. 10 as quoted below:

"Whereas, For more than a decade the Congress of the United States has enacted certain legislation designed to stabilize the agricultural industry of the nation and lift it out of its chaotic condition and to have the American farmer share a relatively larger part of the national income; and

"Whereas, Despite all such efforts, the farm income has declined from sixteen and four-tenths (16.4) per cent of the aggregate national income in 1930 to six and six-tenths (6.6) per cent in 1939; and

"Whereas, Such programs as have been provided by the government have resulted in temporary relief but have failed to give permanent stabilization to agriculture; and

"Whereas, Agricultural leaders throughout the nation recognize the imperative necessity of providing agriculture, our basis industry, a permanent national farm program which would assure to each American farmer his share of the annual national income in order that he might have the necessary purchasing power to provide himself and family with the necessities and comforts of life, and to support other American industries and labor; and

"Whereas, The State of Texas, because of its vast area and varied soil types, topography and climatic conditions, produces more agricultural and livestock products than any other State of the Nation, is most vitally affected by the present condition of agriculture; now, therefore, be it

"Resolved by the House of Representatives of the State of Texas, the Senate concurring, That a committee composed of three (3) Members of the House and two (2) of the Senate be appointed by the Speaker of the House and the President of the Senate, respectively, and that this committee be composed of Members of the House and Senate Agricultural Committee, for the purpose of studying the agricultural situation in the State of Texas in its relation to the general economic structure of the State and Nation, and that said committee be and is hereby instructed to extend to farmers, stockmen, bankers, merchants, and others who are sincerely interested in the welfare of agriculture, an invitation to appear before such committee and offer suggestions relative to the enactment by the Congress of the United States of a National Farm Program Law that would bring to agriculture such relief as would give the industry its proper share of the national income; and be it further

"Resolved, That when the said committee has made such investigations as it may deem necessary, the said committee is hereby instructed to compile a report of its findings to be used by the House and Senate in a memorial to the Congress of the United States for immediate action."

Whereas, The five Member Legislative Agricultural Study Committee created by the passage of H. C. R. No. 10 held open hearings in the following towns or cities: Hallettsville, Houston, Athens, Temple, Cisco, Lubbock, Harlingen, Waxahachie,

Sherman and Denison. These hearings were well attended by representative citizens who gave information regarding the general condition of their communities, freely expressing their views and making constructive suggestions for improvement of the national agricultural program; and

Whereas, Expressions of appreciation were given the AAA farm program as a temporary emergency measure, which as a whole had been beneficial. Most especially was approval given to the soil conservation features of the farm program; and

Whereas, It was generally admitted however that the present emergency AAA farm program should be replaced or so amended as to provide a national farm program which would give greater stabilization to American agriculture; a program which would be more constructive and enduring and which would give the American farmer greater security; and

Whereas, It was disclosed at these hearings that the population of many important agricultural counties had suffered severe decline in the past ten years; that many capable and worthy tenants had been dispossessed because of the advent of the farm tractor and the AAA program which induced extensive rather than intensive farming; and

Whereas, In view of the information, views and suggestions presented to the Texas Legislative Agricultural Study Committee; and, therefore, be it

Resolved by the Texas Senate, the Texas House of Representatives concurring, That the Congress of the United States be memorialized and requested to so amend the present Agricultural Adjustment Act and/or the Soil Conservation and Domestic Allotment Act so as to provide a national farm program which will make provision for the following:

(a) A two price system for marketing agricultural commodities, providing that each farmer receive parity price for his fair share of the domestic market and consumption, or that each farmer receive 85% of the parity price for commodities produced on acreage allotted under the current AAA program.

(b) Providing a constructive soil conservation program, requiring the employment of approved conservation

practices as eligibility to receiving parity price, adjustment payments or subsidies from the Federal Government.

(c) To encourage family size farming by limiting government benefits based on family household dependents; providing that five dependents constitute an average or base family, and the government benefits be increased or decreased as the number of family dependents vary from the established base family.

(d) Provide that the National Farm program be self-financing and not dependent upon annual congressional appropriations.

(e) Make available to the Federal Government Tenant Purchase Administration adequate funds to be loaned on long tenure at low interest rate, for the establishment of the maximum number of worthy families in farm homes.

(f) Provision of adequate funds for the education of 4-H Clubs and Home Demonstration Club girls, Vocational Agricultural F.F.A. boys.

(g) Removal of discriminatory freight rates.

(h) Downward revision of our tariff laws.

SULAK,
FORMBY.

The resolution was read and was referred to the Committee on Agriculture.

Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

April 28th, 1941.

To the Senate of the Forty-seventh Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To Be Members of the Board of Directors of the Upper Guadalupe River Authority:

For six year terms expiring January 1, 1947—(reappointments).

W. B. Leigh of Center Point, Kerr County.

W. A. Fawcett of Kerrville, Kerr County.

To fill the unexpired term of Dr. L. H. Webb, resigned, term to expire January 1, 1945:

W. Gillespie Stacy of Hunt, Kerr County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 266, A bill to be entitled "An Act providing for a separate depository for the administration of the school funds of the Prosper Independent School District; providing for a depository bond; providing for the management of the schools of the Prosper Independent School District; and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act to amend Article 6371 of the Revised Civil Statutes of Texas 1925, as amended by Chapter 107, Acts of the Regular Session of the Forty-second Legislature which regulates the equipment of locomotives as to whistles and bells, and to amend Article 1672 of the Penal Code of the Revised Criminal Statutes of Texas, 1925, which relates to ringing of bells and the blowing of whistles at crossings of public roads and streets. This amendment providing that said locomotives may be equipped with air siren, steam whistle or air whistle, and substituting for the word 'whistle' in said Acts the words 'sounded or blown,' and providing that the governing bodies of cities and towns having a population of five thousand (5,000) or more may by ordinance regulate the ringing of said bells and the sounding or blowing of said whistles or sounding of sirens within the corporate limits; and re-

pealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 312, A bill to be entitled "An Act creating the office of Criminal District Attorney in all counties having a population of not less than one hundred two thousand (102,000) nor more than one hundred ten thousand (110,000), and in which counties there are one or more judicial districts, and in which the county attorney performs the duties of county attorney and district attorney, and in which there is not now a district attorney; providing that the present county attorney in those counties shall qualify as criminal district attorney, remaining in office for the period such officer would have held his office as county attorney had this Act not been passed; providing that such officer shall take the oath and give the bond required of district attorneys by the Constitution and Laws of this State; provided that such criminal district attorney shall have and exercise all powers, duties, and privileges within such county as are by law conferred, or which may hereafter be conferred upon district and county attorneys, and providing the compensation for such officer; providing for the appointment of assistants, deputies, and clerks; fixing their powers, duties, and compensation; providing for the election of a criminal district attorney in each such county; providing this Act shall be cumulative of all other laws; and declaring an emergency."

With amendments.

S. B. No. 362, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than six hundred and forty (640), nor less than six hundred and thirty (630), according to the 1940-1941 scholastic census; and declaring an emergency."

With amendments.

S. B. No. 363, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than eight hundred and forty (840), nor less than eight hundred and thirty (830), according to the 1940-1941 scholastic census; and declaring an emergency."

S. B. No. 369, A bill to be entitled "An Act to amend Section 1 of Chapter 88, page 189, Special Laws, Forty-second Legislature, Regular

Session, 1931, (Article 5138a, Revised Civil Statutes of Texas) to empower and authorize counties having a population of not less than three hundred and ninety thousand (390,000), and not more than five hundred thousand (500,000), according to the last preceding Federal Census, and containing a city having a population of not less than two hundred and ninety thousand (290,000), and not more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, jointly with such city to establish, own and operate a parental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act further regulating the sale, transportation, storage, manufacturing, etc., of alcoholic beverages in this State under the Texas Liquor Control Act by amending portions of, repealing portions of and adding new Sections to Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 8, Acts of the Third Called Session of the Forty-fourth Legislature, and by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by S. B. No. 20, Acts of the First Called Session of the Forty-fifth Legislature, in the following particulars: Amending Sections 4 (a), 13, 15 (b), 15 (c), 29, 30, 32, 33, 35, 37, 38, 39, 41 and 42, all of Article I thereof; repealing Sub-section (d) of Section 3, Article I; amending subdivision (f) of Section 6, Article I; amending subdivisions (2), (5), and (8) of, and adding new subdivision (10) to Section 11, Article I; clarifying qualifications for permits; amending subdivision (6) of Section 12, Article I; amending Sub-section (9) of, and adding Sub-section (9½) to Section 15, Article I; regulating distillers and others selling liquor for resale in Texas; amending Sub-sections (1), (3), (4), (8), (9), (12) and (17) of, and adding new Sub-sections (18), (19), (20) and (21) to Section 17, Article I; restricting transportation of untaxed liquor; prohibiting unauthorized use of permits; adding new Sections 41-A, 43-A, and 43-B to Article I; providing enhancement of penalties under certain conditions; restricting issuance of permits and licenses under certain conditions; re-

quiring United States citizenship as qualification for permits and licenses; amending Sub-section (d) of Section 45, Article I; amending Sub-section (e) of Section I, Article II; amending Sub-section (f) of Section 3, Article II; adding new Sections 5-A, 10½-A, 19A, and 19-B to Article II; relaxing restrictions in qualifications for licenses, providing for city ordinances to regulate sale of beer; providing for suspension of permits and licenses; clarifying terms and establishing prohibited practices; amending Sections 6 and 26 of Article II; amending Sub-sections (a), (d), and (e) of Section 7, Article II; adding new Sub-section (n) to Section 23 of Article II; allocating funds; amending subdivisions (c), (f), and (g) of Sub-section (1), Section 24, Article II, and adding new subdivision (n) thereto; providing for regulation of marketing practices; establishing penalties; providing savings clauses; and declaring an emergency."

H. B. No. 875, A bill to be entitled "An Act to amend Article 5221-b, Vernon's Annotated Statutes of Texas, as amended, by adding a new Section to be known as Section 8-A; defining certain additional terms; making provisions with reference to the authority of the Unemployment Compensation Commission to make reasonable rules and regulations regarding seasonal workers; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 8 by a vote of 146 ayes, 1 nay.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Conference Committee on Senate Bill 402

Senator Aikin called from the President's table for consideration of the House amendments to the bill, S. B. No. 402, the eleemosynary appropriation bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Aikin moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Aikin, Lemens, Lovelady, Fain and Metcalfe.

Senate Bill on First Reading

By unanimous consent, the following local bill was introduced at this time and was read and referred to the committee indicated:

By Senator Lovelady:

S. B. No. 445, A bill to be entitled "An Act to define certain means and methods of taking certain fish in the fresh waters of Hamilton County, Texas; providing it shall be lawful at any time of the year under certain conditions to use set nets of not less than one and one-half (1½) inch square mesh for the purpose of taking certain fish; declaring it unlawful to use drag seines or drag nets at any time in Hamilton County, provided, however, that nothing in this Act shall forbid the use of a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; declaring it unlawful to take fish in Hamilton County by gigging, roping, snaring, grappling with the hands or by the use of grab hooks or fish traps of any kind; permitting the taking of catfish and perch in said county at any time of the year by use of certain devices; providing a 10-inch length limit for catfish in said county; forbidding the sale, the offering for sale, possession for the purpose of sale, or the purchase of any catfish taken from the waters of Hamilton County; etc., and declaring an emergency."

To Committee on Game and Fish.

House Bill 444 on Passage to Third Reading

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on Monday, April 21, 1941):

H. B. No. 444, A bill to be entitled "An Act to amend H. B. No. 20, Acts of the Forty-sixth Legislature, Regular Session, reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conserva-

tion Board; establishing five (5) State Districts; providing the manner of election of members of the State Soil Conservation Board; fixing the terms of office and defining the powers and duties of said members of said State Soil Conservation Board; providing for the creation of county soil conservation committees; etc.; providing a separability clause; and declaring an emergency."

The bill was passed to third reading.

House Bill 444 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 444 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The President laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Lemens
Brownlee	Lovelady
Chadick	Mauritz
Fain	Metcalfe
Formby	Moffett
Graves	Ramsey
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Vick
Lanning	Winfield

Nays—2

Moore	Shivers
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Absent

Beck	Van Zandt
Martin	York

Absent—Excused

Cotten	Weinert
Spears	

Committee Substitute House Joint Resolution 24 on Second Reading

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. J. R. No. 24, A joint resolution proposing an amendment to Section 22 of Article V of the Constitution of Texas by adding thereto authority for the Legislature to increase, diminish or change the probate or other jurisdiction of the county court and to create additional courts having either exclusive or concurrent jurisdiction with the county court in such matters.

The resolution was read second time.

Senator Moore offered the following amendment to the resolution:

Amend H. J. R. No. 24, Section 2, by striking out the words "day of" and inserting in lieu thereof the words "first Tuesday after the first Monday in November."

The amendment was adopted.

The resolution (as amended) was passed to third reading by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

Senator Moore moved that the Senate rule requiring joint resolutions to be read on three several days be suspended and that C. S. H. J. R. No. 24 be declared adopted by Senate.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

House Bill 10 on Second Reading

Senator Fain moved that the regular order of business be suspended, to permit consideration of H. B. No. 10 at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalf
Fain	Moore
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Vick
Kelley	Winfield
Lanning	York
Lemens	

Nays—2

Beck	Moffett
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Absent

Martin	Van Zandt
Ramsey	

Absent—Excused

Cotten	Weinert
Spears	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 10, A bill to be entitled "An Act amending Article 349 of the Penal Code of the State of Texas; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Fain offered the following (committee) amendment to the bill:

Amend H. B. No. 10 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. Article 349, Penal Code of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"The Prison Commission may adopt such modes of punishment as may be necessary, such punishment being always humane, and placing prisoners in stocks shall be prohibited. It shall be a misdemeanor for any guard, agent, servant, picket, farm manager, or other employee of the Texas Prison System to inflict corporal punishment on the person or body of any prisoner of said prison farm. Any such guard, agent, servant, picket, farm manager, or other employee of the Texas Prison System guilty of hitting, striking or whipping any such prisoner shall be fined not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and imprisoned in jail not less than thirty (30) days nor more than six (6) months.

"Nothing in this Act shall be so construed as to prevent the use of all necessary means on the part of any guard, agent, servant, picket, farm manager, or other employee of the Texas Prison System in suppressing any actual riot, revolt, mutiny, or attempted escape of any prisoner or prisoners, or in defending himself when attacked by any prisoner or prisoners."

The amendment was adopted.

On motion of Senator Fain and by unanimous consent the caption was ordered amended so as to conform to the body of the bill.

The bill then was passed to third reading.

House Bill 10 on Third Reading

Senator Fain moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 10 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Vick
Lanning	Winfield
Lemens	York
Lovelady	

Absent

Van Zandt

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 193 Re-referred

On motion of Senator Shivers, and by unanimous consent, H. B. No. 193 was re-referred from the Committee on Civil Jurisprudence to the Committee on State Affairs.

House Bill 146 on Second Reading

On motion of Senator Winfield and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 146 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 146, A bill to be entitled "An Act authorizing the commissioners' court in all counties in the State of Texas to appropriate from the general fund not more than five (5c) cents on the One Hundred (\$100.00) Dollars assessed valuation,

for the purpose of advertising and promoting the growth and development of the counties, and providing for an election authorizing such appropriation; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendments to the bill:

(1)

Amend H. B. No. 146 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That all home rule cities or counties in the State of Texas may appropriate from the General Fund of said cities or counties an amount not exceeding five (5) cents or the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of such city or county; providing that before the city council or commissioners' court of any city or county may appropriate any sums for such purpose, the qualified tax-paying voters of said city or county shall, by a majority vote of the persons voting at such election, authorize the city council or the county commissioners to thereafter appropriate not to exceed five (5) cents on the One Hundred (\$100.00) Dollars assessed valuation

"Sec. 2. The amount of money approved by the city council or the commissioners' court for the Board of Development shall constitute a separate fund to be known as the Board of Development Fund and shall not be used for any other purposes. Each claim against the Board of Development shall be authorized and approved by the Board of Development before presented for payment, and after such approval, shall be presented to the city council or the commissioners' court and acted upon as all other claims against the city council or the commissioners' court.

"The Board of Development hereinafter provided for shall annually, in advance, prepare and submit to the city council or the commissioners'

court a budget for the ensuing year in the same manner as required of home rule cities or counties. The money appropriated annually shall be governed by the discretion of the city council or the commissioners' court, but in no event shall said sum be in excess of five (5) cents on the One Hundred (\$100.00) Dollars assessed valuation.

"Sec. 3. There is hereby created, in home rule cities or counties qualifying under this law, a Board of Development, which shall devote its time and effort for the purpose of advertising and promoting the growth and development of any such home rule city or county. The Board of Development shall be authorized to expend any sums reasonably necessary to accomplish its purposes for personnel, rent, and materials, subject to the approval of the city council or the commissioners' court.

"The Board of Development shall consist of five (5) members, to be appointed by the city council or the commissioners' court; said members shall serve for a period of two (2) years from their appointment, without compensation, and until their successors are appointed and accept said appointment. Vacancies on such board will be filled by the city council or the commissioners' court in the same manner as the original appointment.

"Sec. 4. This law shall be cumulative of all other laws authorizing home rule cities or counties to appropriate money, or to levy a tax for advertising and promotional purposes, and home rule cities or counties shall have the option of operating under any one applicable law, but in any event, the maximum amount of money which can be appropriated for such purpose shall not exceed the limits herein fixed. Any sums heretofore appropriated or expended for advertising or promotional purposes under any other such previous acts are hereby validated.

"Sec. 5. The fact that such cities or counties now have no legal authority to appropriate money for the purposes specified in this Act and that such purposes are necessary and essential to the growth and development of such home rule cities or counties creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring all bills to

be read on three several days in each House, and said Rule is hereby suspended, and that this Act shall take effect from and after its passage, and it is so enacted."

(2)

Amend H. B. No. 146 by striking out all above the enacting clause and inserting in lieu thereof the following:

"An Act authorizing the city council of home rule cities or the commissioners' court in all counties in the State of Texas to appropriate from the General Fund not more than five (5) cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the home rule cities or the counties, and providing for an election authorizing such appropriation; providing said appropriation to constitute a separate fund to be known as the Board of Development Fund; limiting the amount to be appropriated; and creating and providing for the appointment of a Board of Development, devoted to the growth, advertisement, and development of such home rule cities or counties; prescribing certain duties for said board; making the Act cumulative of other laws authorizing such cities or counties to appropriate money; and declaring an emergency."

The amendments were adopted severally.

The bill was passed to third reading.

House Bill 146 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Chadick	Lemens
Fain	Lovelady
Formby	Martin
Graves	Mauritz
Hazlewood	Metcalf
Hill	Moffett

Moore	Sulak
Ramsey	Van Zandt
Shivers	Vick
Smith	Winfield
Stone	York

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Nays—2

Chadick	Moffett
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Absent—Excused

Cotten	Weinert
Spears	

House Bill 56 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 56 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 56, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes 1925; amending Article 5326, Revised Civil Statutes 1925; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 56 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 56 be placed on its third reading and final passage

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

Concurrence in House Amendments to Senate Bill 362

Senator Fain called S. B. No. 362 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

House Bill 345 on Second Reading

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 345 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 345, A bill to be entitled "An Act making an emergency appropriation for the remaining portion of the fiscal year ending August 31, 1941, to assist in the maintenance of a newly established quarantine patrol station necessary to the enforcement of the provisions of Article 135A Vernon's Revised Civil Statutes of Texas, 1925, and to pay salaries of quarantine inspectors for the operation of this station and of agents of the Department of Agriculture in carrying out an extension of the harvesting season as provided for in the statute referred to; and to pay the salaries of two (2) floral inspectors for the remaining part of the fiscal year in order to properly enforce the provisions of the Texas Orchard and Nursery Inspection Law, Chapter VII, Revised Civil Statutes of 1925, and Chapter X, Revised Criminal Statutes of 1925; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 345 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 345 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Kelley	Vick
Lanning	Winfield
Lemens	York
Martin	

Nays—3

Aikin	Lovelady
Isbell	

Absent

Moore	Van Zandt
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Absent—Excused

Cotten	Weinert
Spears	

House Bill 757 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 757 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 757, A bill to be entitled "An Act creating a special road law for Hartley County, Texas; authorizing the commissioners' court to issue funding or refunding bonds or warrants in lieu of certain scrip warrants or time warrants, or both, and validating such warrants; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay principal and interest as they mature and accrue; making the Generals Laws pertaining to roads and bridges applicable to Hartley County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 757 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 757 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

Bill: Signed

The President signed in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 266, A bill to be entitled "An Act providing for a separate depository for the administration of the school funds of the Prosper Independent School District; providing for a depository bond; providing for the management of the schools of the Prosper Independent School District; and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act to amend Article 6371 of the Revised Civil Statutes of Texas 1925, as amended by Chapter 107, Acts of the Regular Session of the Forty-second Legislature which regulates the equipment of locomotives as to whistles and bells, and to amend Article 1672 of the Penal Code of the Revised Criminal Statutes of Texas 1925, which relates to ringing of bells and the blowing of whistles at crossings of public roads and streets. This amendment providing that said locomotives may be equipped with air siren, steam whistle or air whistle, and substituting for the word 'whistle' in said Acts the words 'sounded or blown, and providing that the governing bodies of cities and towns having a population of five thousand (5,000) or more may by ordinance regulate the ringing of said bells and the sounding or blow-

ing of said whistles or sounding of sirens within the corporate limits; and repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 363, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than eight hundred and forty (840), nor less than eight hundred and thirty (830), according to the 1940-1941 scholastic census; and declaring an emergency."

S. B. No. 369, A bill to be entitled "An Act to amend Section 1 of Chapter 88, page 189, Special Laws, Forty-second Legislature, Regular Session, 1931, (Article 5138a, Revised Civil Statutes of Texas) to empower and authorize counties having a population of not less than three hundred and ninety thousand (390,000), and not more than five hundred thousand (500,000), according to the last preceding Federal Census, and containing a city having a population of not less than two hundred and ninety thousand (290,000) and not more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, jointly with such city to establish, own and operate a parental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

House Bill 349 on Second Reading

On motion of Senator Lanning and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 349 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 349, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas and the branches thereof, the Board of Directors of the Agricultural and Mechanical College and its branches, the Board of Directors of Texas Technological College, the Board of Regents of the State Teachers' Colleges, the Board of Directors of the Texas State College for Women, and the Board of Directors of the College of Arts and Industries to charge students building use fees of not to exceed Five (\$5.00) Dollars per semester for the construction and

equipment of buildings and power plants, the paving of streets, the purchase of land, and for other capital improvements; providing that such acquisition, equipment and construction shall be without cost to the State of Texas; providing for the issuance of negotiable revenue bonds to be secured by a pledge of such building use fees and that such bonds may be additionally secured by a pledge of the revenues from buildings and facilities of such institutions; making it the duty of the governing boards of such institutions to fix adequate fees and charges; requiring approval of such bonds by the Attorney General and prescribing the effect thereof; providing that bonds issued under this Act shall be eligible investments for the Permanent School Fund of Texas; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 349 by adding the following after the word "semester" in line 63, page 1, "Provided however, this fee shall be a part of the fees now collected and no additional fees shall be collected for any purpose." And amend the caption accordingly.

The amendment was adopted.

The bill then was passed to third reading.

House Bill 349 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 349 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten
Spears

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 88, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Lake Worth and Eagle Mountain Lake, or either of them; providing for deposit of funds from the sale of such licenses and of any funds collected as fees or penalties for violations of this Act in the Lake Worth-Eagle Mountain Lake Fund; providing the uses of such fund and regulations controlling same; providing for the appointment of a Lake Worth-Eagle Mountain Lake Advisory Board and prescribing the manner of its appointment and its duties; providing a penalty for violation of any provision of this Act, repealing all laws, in so far as they conflict with this Act; providing a saving clause; and declaring an emergency."

S. B. No. 209, A bill to be entitled "An Act to amend Section 19 of S. B. No. 111, Chapter 61, page 100, Acts Second Called Session of the Forty-first Legislature, and to add Section 38-c to Section 38, providing the manner in which building and loan associations organized under the laws of this State may make loans, advance credit and purchase obligations with respect to the buildings, making of alterations, repairs and improvements of residential properties in 'defense housing areas' when such loans and obligations are secured by a mortgage that is insured against loss by the Federal Housing Administrator under the National Housing Act, approved June

27th, 1934, as amended, and as may hereafter be amended; providing that such associations may make loans, advance credit and purchase obligations representing loans and advances of credit for the purpose of financing alterations, repairs and improvements upon or in connection with existing structures upon urban and suburban real property, by the owners thereof or by lessees of such real property where the association is insured against loss that it may sustain as a result of such loans, advances of credit, and purchase of obligations under the provisions of Title 1 of the National Housing Act, approved June 27th, 1934, as amended, and as may hereafter be amended, and subject to the rules and regulations that may now or hereafter be prescribed by the Federal Housing Administrator; providing such building and loan associations may purchase the fee simple title to real property upon which improvements have been erected out of the proceeds of a loan which is secured by an obligation and mortgage authorized, created and insured under the provisions of the National Housing Act, approved June 27th, 1934, as amended and as may hereafter be amended, provided that at the time of such purchase there is a valid lease in effect creating a leasehold interest in such land and improvements thereon, which lease has a term of at least twenty (20) years to run from the date of the note; providing that no law of this State in conflict with the provisions of this Act shall be deemed to apply to loans, advances of credit, or purchase of obligations made pursuant to the authority granted under this Act, nor to the purchase of the fee simple title as provided herein; providing that the Banking Commissioner of Texas may prescribe additional regulations with respect to making loans, advancing of credit and the purchase of obligations, and real property, if, in his judgment, the protection of investors requires such additional regulations; providing for notice in such event; providing when his regulations shall take effect; etc. and declaring an emergency."

With amendments.

S. B. No. 282, A bill to be entitled "An Act regulating fishing in or on Lake Travis and Lake Austin, and defining such lakes; providing the gear or tackle that may be used; pro-

viding an open season; providing a bag or possession limit for different varieties of fish that may be taken, and providing a total bag limit; providing the length of different varieties of fish that may be taken; repealing all laws in conflict with this Act; and declaring an emergency."

With amendments.

S. B. No. 184, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each district court, criminal district court, and county court-at-law, of Bexar County; providing the qualifications; providing for the salary of each of said official court reporters and for the manner of payment of said salary, and out of what fund; providing for transcript fees; declaring this Act to be a special Act, notices thereof having been duly published and exhibited as required by law; and declaring an emergency."

With amendments.

S. B. No. 11, A bill to be entitled "An Act providing for the licensing of certain insurance agents; providing for two classes of insurance agents; defining the two classes of insurance agents; defining 'local recording agent'; defining 'solicitor'; providing the manner in which a local recording agent shall make application to the Board of Insurance Commissioners for a license to operate; providing that individuals and partnerships may be granted a license as local recording agents, and the manner in which such license shall be granted and to whom it may be granted; providing what the application for a license shall contain; etc.; providing that if any portion of the Act shall be declared unconstitutional such provision shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

With amendments.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Resolution 117

Senator Graves, by unanimous consent, offered the following resolution at this time:

Whereas, There is present at the Bar of the Senate of the State of Texas at this time nineteen members of the Philomathic Club of San Antonio, Texas; which Club is headed

by Mrs. J. Franklin Spears, as president, wife of the Honorable Senator J. Franklin Spears; with the assistance of Mrs. C. J. Matthews, wife of the Honorable Judge C. J. Matthews of San Antonio, sponsor of said Club; and

Whereas, There are also present the following members of the Philomathic Club: Mrs. John R. Shook, Mrs. Eugene Kurtz, Mrs. Stanley Zahn, Mrs. S. Benton Davies, Mrs. Romie M. Dufner, Mrs. L. V. Germain, Mrs. Ben. F. Irby, Mrs. M. D. Jones, Mrs. Ernest G. Locker, Mrs. Ruby S. Mann, Mrs. Mike A. Newton, Mrs. Sam Patten, Mrs. T. A. Pressly, Mrs. B. W. Quinn, Mrs. Al Becker, Mrs. Adrian A. Spears, and Mrs. Rolly R. Steen; and

Whereas, There are also present the following guests: Mrs. Dent Taylor, Mrs. Boyett, Mrs. Arthur Sprinkle, Mrs. J. A. Reilly, Mrs. Mary Felbaum, Mrs. C. S. Slatton, Mrs. Coke Stevenson, Mrs. H. A. Smith, Mrs. W. J. Rosin, Mrs. Robert M. West, and Mrs. Elmer Johnson; now, therefore, be it

Resolved, That the Philomathic Club and guests be extended the privileges of the floor of the Senate of Texas at this time; and, be it further

Resolved, That copies of this resolution be furnished the president of said Club.

GRAVES,
SPEARS.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Senate Concurrent Resolution 45

Senator Beck offered the following resolution:

S. C. R. No. 45, To provide for sine die adjournment of the Legislature.

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Regular Session of the Forty-seventh Legislature of the State of Texas do stand adjourned sine die on Tuesday, May 13th, 1941, at 12:00 o'clock noon.

BECK,
SHIVERS.

The resolution was read and transmitted to the President's table.

Conference Committee on Senate Bill 20

Senator Moore called S. B. No. 20 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Moore moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Moore, Van Zandt, Shivers, Fain and Winfield.

Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,
April 29, 1941.

To the Forty-seventh Legislature:

Attorney General Mann recently submitted to me a report of his investigation of the activities of public utility corporations in municipal bond elections throughout the State and advised that in his opinion the present statutes seeking to regulate such practices are unenforceable by reason of conflicting penalties.

To correct these defects, I am submitting herewith as emergency legislation a bill prepared by the Attorney General and I trust you will give same your careful consideration.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

House Bill 439 on Second Reading

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 439 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 439, A bill to be entitled "An Act providing a closed season on wild deer and wild turkey in

Williamson County, Texas; and providing penalties for the violation of this Act."

The bill was read second time and was passed to third reading.

House Bill 439 on Third Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 439 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

Senate Resolution 118

Senator Hazlewood, by unanimous consent, offered the following resolution at this time:

Whereas, Shirley Harrell, Martha Oliver, Beulah Hammond, Martha Jean Dowd, Juanita Anderson, Jack Farley, and George Vinyard, sons and daughters of prominent Randall County citizens, are present in Austin and are now in the Capitol on this 30th day of April, 1941, observing the operations of government; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to these young people a cordial welcome to their Capitol and that the privileges of the floor be extended to them.

The resolution was read, and by unanimous consent, it was considered and adopted at this time.

Committee Substitute House Bill 16
on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended, to permit consideration of C. S. H. B. No. 16 at this time.

The President laid before the Senate on its second reading and passage to third reading:

C.S.H.B. No. 16, A bill to be entitled "An Act amending subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, and wage earners, to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation for charters and amendments to charters for such purposes; and declaring an emergency."

The bill was read second time and was passed to third reading.

Committee Substitute House Bill 16
on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 16 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Winfield
Lemens	York
Lovelady	

Absent

Moore

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

Report of Conference Committee on
House Bill 247

Senator Metcalfe submitted the following report of the Conference Committee on H. B. No. 247:

Committee Room,
Austin, Texas,
April 22, 1941.

Hon. Coke R. Stevenson, President of the Senate;

Hon. Homer Leonard, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the dif-

ferences between the Senate and the House on H. B. No. 247, have had the same under consideration, and beg to report it back to the Senate and House with the recommendation that said bill be adopted in the form hereto attached.

Respectfully submitted,

FAIN,
METCALFE,
GRAVES,
FORMBY,
HAZLEWOOD,

On the Part of the Senate;

COLSON,
HARDEMAN,
HEFLIN,
BEAN,
CHAMBERS,

On the Part of the House.

Conference Committee Substitute for
House Bill 247

A bill to be entitled

"An Act amending Article 6078, Revised Civil Statutes of Texas, 1925, Chapter 53, page 102, Acts 1915 of the Thirty-fourth Legislature, as amended; so as to authorize each commissioners court to levy a tax for the purchase and improvement of lands for use as county parks; providing for submission of the proposition to and ratification by the tax-paying voters at a general or special election called for that purpose, and requiring a two-thirds majority; providing for establishment of two or more county parks at widely separated portions of the county; authorizing the commissioners' court to exercise full power and control over any such parks and empowering said court to levy and collect an annual tax to properly maintain said parks, and to build, construct and otherwise improve said parks; providing that said parks are to remain open for the free use of the public under the reasonable rules and regulations of the court; providing a saving clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

That Article 6078, Revised Civil Statutes of Texas, 1925, Chapter 53, page 102, Acts 1915 of the Thirty-fourth Legislature, as heretofore amended, be amended so as to be read as follows:

"Article 6078. Section 1. Each commissioners' court is authorized to

levy and collect a tax not to exceed five (5c) cents on each One Hundred (\$100.00) Dollars of assessed valuation of the county for the purchase and improvement of lands for use as county parks. No such tax shall be levied and collected until the proposition is submitted to and ratified by the property tax-paying voters of the county at a general or special election called for that purpose, provided, a two-thirds majority of the property taxpaying voters of such county, at an election held for such purpose shall determine in favor of said tax. If said court desires to establish two or more of such county parks, they shall locate them in widely separated portions of the county. Said court shall have full power and control over any and all such parks and may levy and collect an annual tax sufficient in their judgment to properly maintain such parks and build and construct pavilions and such other buildings as they may deem necessary, lay out and open driveways and walks, pave the same or any part thereof, set out trees and shrubbery, construct ditches or lakes, and make such other improvements as they may deem proper. Such parks shall remain open for the free use of the public under such reasonable rules and regulations as said court may prescribe.

"Sec. 2. All parks acquired by authority of this Act shall be under the control and management of the county acquiring the same, provided that the commissioners' court may by agreement with the State Parks Board turn the land over to the State Parks Board to be operated as a public park; the expense of the improvement and operation of such park to be paid by the county and/or co-operative Federal agencies according to the agreement to be made between such company and the State Parks Board.

"Sec. 3. If any Section, sub-section, paragraph, sentence, clause, or provision of this Act shall, for any reason, be held invalid, such invalidity shall not affect any other portion of this Act or the application of such Section, sub-section, paragraph, sentence, clause, or provision to any other person or situation, but this Act shall be construed and enforced as if such invalid provisions had not been contained therein."

Sec. 4. The fact that the present law governing the subject matter of this Act is inadequate, creates an

emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both Houses be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read.

The report was adopted by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Kelley	Van Zandt
Lanning	Vick
Lovelady	Winfield
Martin	York

Nays—2

Isbell	Lemens
--------	--------

Absent—Excused

Cotten	Weinert
Spears	

Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time, the following report:

Committee, Room,
Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 850, A bill to be entitled "An Act authorizing the Commissioners' Court in Wharton County to allow each county commissioner certain expenses in connection with the performance of the duties as road commissioner in addition to the duties as county commissioner; providing for the payment of the same; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Lemens, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 430, A bill to be entitled "An Act to fix the venue for the prosecution of persons charged with committing the offense of libel by inserting a new Article in Chapter 2, Title 4, Code of Criminal Procedure of Texas, to be numbered 198a, and repealing Article 211 of said Chapter 2, Title 4, Code of Criminal Procedure only insofar as the same relates to venue in the trial of persons charged with libel; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 118, A bill to be entitled "An Act defining and regulating the sale and/or resale of used and/or secondhand watches in the State of Texas; defining terms used therein; specifying acts constituting offenses and providing penalties therefor; providing that if any provisions of this Act shall be held unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Senate Bill 446 on First Reading

By unanimous consent, the following bill was introduced at this time, read first time and referred to the committee indicated:

By Senators Fain and Chadick:

S. B. No. 446, A bill to be entitled "An Act repealing Article 1350, Re-

vised Civil Statutes of Texas, 1925; amending Article 1351 so as to make the penalty therein provided apply specifically to Articles 1348 and 1349, Revised Civil Statutes of Texas, 1925; amending Article 1351, Revised Civil Statutes and Article 213, Penal Code of Texas, to prohibit corporations, their officers, directors, stockholders, employees and agents acting in their behalf, from expending or promising to expend any money or thing of value in order to aid or hinder the nomination or election of any person to public office or to influence the vote on any question submitted to the voters; providing for an exception in elections directly affecting the granting, refusing, existence, or value of a franchise of a corporation which has the right of eminent domain, and providing that in such elections, all means of publicity employed by such corporation shall be identified as pay for by it; providing for the filing of accounts of expenditures made in connection with such elections by corporations, persons, partnerships and associations, and limiting the amount thereof; providing penalties for corporations, their officers, directors, stockholders, employees and agents violating this Act and increased penalties and forfeiture of charter or permit of such corporation on second and subsequent violations; providing penalties for persons, partnerships and associations failing to make or falsely making required reports of expenditures in certain elections or exceeding authorized limits thereof; and declaring an emergency."

To Committee on Criminal Jurisprudence.

Message from the Governor

The President laid before the Senate and had read the following message from the Governor:

Austin, Texas,
April 30, 1941.

To the Senate of the Forty-seventh Legislature.

I ask the advice, consent, and confirmation of the Senate to the following appointment:

To be Commissioner of Labor Statistics for a term concurrent with my own:

Captain John D. Reed of Wichita Falls, Wichita County.

Respectfully submitted,
W. LEE O'DANIEL,
Governor of Texas.

The message was referred to the Committee on Nominations of the Governor.

Recess

Senator Hill moved that the Senate adjourn until 10 00 o'clock a. m. tomorrow.

Senator Sulak moved that the Senate recess until 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Brownlee	Moffett
Formby	Ramsey
Hill	Stone
Kelley	Winfield
Lovelady	York
Martin	

Nays—17

Aikin	Mauritz
Beck	Metcalfe
Chadick	Moore
Fain	Shivers
Graves	Smith
Hazlewood	Sulak
Isbell	Van Zandt
Lanning	Vick
Lemens	

Absent—Excused

Cotten	Weinert
Spears	

Question next recurring on the motion to recess, it prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., took recess until 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Conference Committee on Senate Bill 312

Senator Kelley called S. B. No. 312 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Kelley moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Kelley, Winfield, Stone, Brownlee and Formby.

House Bills on First Reading

The following House bills, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 14, to Committee on Criminal Jurisprudence.

H. B. No. 64, to Committee on Education.

H. B. No. 285, to Committee on Agriculture.

H. B. No. 305, to Committee on State Affairs.

H. B. No. 332, to Committee on Agriculture.

H. B. No. 355, to Committee on Game and Fish.

H. B. No. 370, to Committee on Education.

H. B. No. 414, to Committee on Oil, Gas and Conservation.

H. B. No. 420, to Committee on Agriculture.

H. B. No. 432, to Committee on Civil Jurisprudence.

H. B. No. 452, to Committee on Counties and County Boundaries.

H. B. No. 495, to Committee on State Affairs.

H. B. No. 514, to Committee on Banks and Banking.

H. B. No. 518, to Committee on Counties and County Boundaries.

H. B. No. 520, to Committee on Privileges and Elections.

H. B. No. 537, to Committee on Counties and County Boundaries.

H. B. No. 538, to Committee on Finance.

H. B. No. 544, to Committee on Oil, Gas and Conservation.

H. B. No. 585, to Committee on Game and Fish.

H. B. No. 618, to Committee on Education.

H. B. No. 624, to Committee on Civil Jurisprudence.

H. B. No. 666, to Committee on Counties and County Boundaries.

H. B. No. 678, to Committee on Civil Jurisprudence.

H. B. No. 682, to Committee on Game and Fish.

H. B. No. 691, to Committee on Education.

H. B. No. 711, to Committee on Counties and County Boundaries.

H. B. No. 740, to Committee on Finance.

H. B. No. 774, to Committee on Education.

H. B. No. 786, to Committee on Civil Jurisprudence.

H. B. No. 813, to Committee on Civil Jurisprudence.

H. B. No. 768, to Committee on Civil Jurisprudence.

H. B. No. 859, to Committee on Game and Fish.

H. B. No. 881, to Committee on Counties and County Boundaries.

H. B. No. 892, to Committee on Game and Fish.

H. B. No. 893, to Committee on Game and Fish.

H. B. No. 906, to Committee on Game and Fish.

H. B. No. 908, to Committee on Education.

H. B. No. 916, to Committee on Game and Fish.

H. B. No. 918, to Committee on Education.

H. B. No. 921, to Committee on Game and Fish.

H. B. No. 922, to Committee on Education.

H. B. No. 924, to Committee on Game and Fish.

H. B. No. 927, to Committee on Game and Fish.

H. B. No. 932, to Committee on Game and Fish.

H. B. No. 936, to Committee on Game and Fish.

H. B. No. 937, to Committee on Game and Fish.

H. B. No. 948, to Committee on Education.

H. B. No. 949, to Committee on Game and Fish.

H. B. No. 952, to Committee on Game and Fish.

H. B. No. 954, to Committee on Game and Fish.

H. B. No. 875, to Committee on State Affairs.

H. B. No. 796, to Committee on Criminal Jurisprudence.

Report of Standing Committee

Senator Aikin, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 284, A bill to be entitled "An Act appropriating Eight Million, One Hundred and Sixty-Six Thousand, One Hundred and Ninety-Two (\$8,166,192) Dollars, or so much thereof as may be necessary, per year, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1942, to the appropriation for the year ending August 31, 1943; . . . etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Concurrent Resolution 102

The President laid before the Senate (the resolution having been received from the House on yesterday):

H. C. R. No. 102, Requesting Congress to enact a bill providing for special aid by the Federal Government to the states for educational needs arising from establishment of defense camps, etc.

The resolution was read and was referred to the Committee on Education.

House Concurrent Resolution 103

The President laid before the Senate (the resolution having been received from the House on yesterday):

H. C. R. No. 103, Providing for a joint session of the Legislature on Wednesday, May 7, 1941, at 11:00 o'clock a. m., to hear addresses by representatives of the women of Texas.

The resolution was read.

On motion of Senator Brownlee, the resolution was referred to the Committee on Highways and Motor Traffic.

Amendment of House Bill 16

On motion of Senator Moffett and by unanimous consent, it was ordered that the caption of H. B. No. 16 be amended to conform to the body of the bill as amended by the Senate today.

Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 88, A bill to be entitled "An Act providing a special fishing license for those who fish in the waters of Lake Worth and Eagle Mountain Lake, or either of them; providing for deposit of funds from the sale of such licenses and of any funds collected as fees or penalties for violations of this Act in the Lake Worth-Eagle Mountain Lake Fund; providing the uses of such fund and regulations controlling same; providing for the appointment of a Lake Worth-Eagle Mountain Lake Advisory Board and prescribing the manner of its appointment and its duties; providing a penalty for violation of any provision of this Act; repealing all laws, in so far as they conflict with this Act; providing a saving clause; and declaring an emergency."

S. B. No. 362, A bill to be entitled "An Act to fix the maximum rate of tax to be levied in all independent school districts having a scholastic population of not more than six hundred and forty (640), nor less than six hundred and thirty (630), according to the 1940-1941 scholastic census; and declaring an emergency."

Message from the House

A Clerk from the House was announced and was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 969, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be during the months of February, March and April; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

S. C. R. No. 42 Recalling Senate Bill No. 292 from the Governor's office for correction.

The House has concurred in Senate amendments to H. B. No. 146 by a vote of 121 ayes, 4 nays.

The House has concurred in Senate amendment to H. B. No. 10 by a viva voce vote.

The House has refused to concur in Senate amendments to H. B. No. 444 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Messrs. Chambers, Fuchs, Donald, Hobbs and Deen.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 402. The following are conferees on the part of the House: Messrs. Reed of Dallas, Anderson, Roberts, Lock and Walters.

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 20. The following are conferees on the part of the House: Messrs. Stinson, Humphrey, Crosthwait, Heflin and Allen.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 969, to Committee on Game and Fish.

Report of Standing Committee

Senator Smith, by unanimous consent, submitted at this time the following report:

Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 969, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be during the months of February, March and April, repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMITH, Chairman.

House Bill 969 on Second Reading

Senator Smith moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 969 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten
Spears

Weinert

The President laid the bill before the Senate; it was read second time and was passed to third reading.

House Bill 969 on Third Reading

The President then laid H. B. No. 969 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten
Spears

Weinert

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 420, A bill to be entitled "An Act amending Article 2338, Revised Civil Statutes of Texas, 1925, to make its provisions applicable where a child has been adjudged a delinquent child; repealing laws in conflict and where not in conflict making this Act cumulative; and declaring an emergency."

S. B. No. 417, A bill to be entitled "An Act to amend Article 637 of the

Penal Code of Texas so that the same shall read as hereinafter stated, and providing for the destruction of gambling equipment and paraphernalia by order of the court and providing for the confiscation of property not gambling paraphernalia per se which is used as equipment or paraphernalia for a gambling house or which is used for gaming purposes, and providing for the delivery of such property to the State of Texas or any political subdivision thereof, or to any State institution for its own use and benefit, by order of the court, and providing that an officer by his return shall show compliance with order of the court; and providing for the confiscation of any money or coins seized with or in such gambling paraphernalia or property or equipment, or paraphernalia used for gaming purposes; and providing for delivery by order of the court of such money or coins to the State of Texas or any political subdivision thereof or to any State institution or the grand jury of the county in which such property was seized; and providing for the use of such coins or money by said grand jury, and providing for a report to the court as to money received and expended by the grand jury under provisions of this Act, and providing that the clerk of the district court shall between terms of the grand jury hold such surplus funds to be turned over to the subsequent grand jury; and providing for the confiscation, appropriation and use of any money or coins heretofore seized with or in such gambling paraphernalia, property or equipment, or paraphernalia used for gaming purposes, and providing that any person claiming any right, title, interest or claim in and to such coins or money heretofore seized with such gambling equipment and paraphernalia may, within sixty (60) days from the effective date of this Act file suit for the recovery of the same, and not thereafter; and providing that if any parts or provisions of this Act be held invalid or unconstitutional, the validity or constitutionality of any other provisions of the Act will not be affected; and repealing all other laws in conflict with this Act; and declaring an emergency."

H. C. R. No. 107, Authorizing the Enrolling Clerk of the House of Representatives to correct H. B. No. 8, by changing the word "entire" to

"invested" where used incorrectly in the Van Zandt Senate Amendment.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Concurrence in House Amendments to Senate Bill 209

Senator Lemens called S. B. No. 209 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

Conference Committee on Senate Bill 282

Senator Brownlee called S. B. No. 282 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Brownlee moved that the Senate do not concur in the House amendments and that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Brownlee, Smith, Kelley, Martin and Fain.

Senate Resolution 119

Senator Hazlewood, by unanimous consent, offered the following resolution at this time:

Whereas, Charlotte Kromer, Dorothy Lee Watson, Louise Caperton, Margie Bland, daughters of prominent Wheeler County citizens, accompanied by their teacher, Miss Minta McAninch, are present in Austin and are now at the Capitol on this 30th day of April, 1941, observing the operations of government; now, therefore, be it

Resolved by the Senate of Texas, That there be extended to these young people and their teacher a cordial welcome to their Capitol, and that the privileges of the floor be extended to them.

By unanimous consent, the resolution was considered and adopted at this time.

Signing of Bill

The President signed in the presence of the Senate, after its caption had been read, the following enrolled bill:

H. B. No. 969, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be during the months of February, March and April; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

Committee Substitute House Bill 364 on Passage to Third Reading

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on April 17, 1941):

C.S.H.B. No. 364, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes, 1925, pertaining to the salaries of elective county superintendents and to office and traveling expense; providing for salaries of county superintendents in counties having not more than eight thousand (8,000) scholastic population under certain conditions; providing for assistants to the county superintendent; providing for rural supervisors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administering the Act

and repealing all general laws in conflict herewith except such general laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

Senator Van Zandt offered the following amendment to the bill:

Amend C. S. H. B. No. 364 (as shown in printed Senate Bill No. 178) by striking out the sentence beginning with "The," on line 58, page 1, ending on line 4 of page 2, and inserting in lieu thereof the following:

"The county superintendent, with the approval and the confirmation of the county board of education, may employ a competent assistant to the county superintendent at an annual salary not to exceed One Thousand Five Hundred (\$1,500.00) Dollars and may also employ such other assistants as necessary provided the aggregate amount of the salaries of such other assistants shall not exceed One Thousand Five Hundred (\$1,500.00) Dollars annually; and the county board of education may make further provisions as it deems necessary for office and traveling expenses of the county superintendent; provided that expenditures for office and traveling expenses of the county superintendent shall not be less than Three Hundred (\$300.00) Dollars and not more than Eight Hundred (\$800.00) Dollars per annum, such expense shall first be proven by affidavit therefor, and said board is hereby authorized to fix the salary of such assistants and pay same out of the same funds from which the salary and expenses of the county superintendent are paid."

The amendment was adopted.

Senator Lovelady offered the following amendment to the bill:

Amend committee substitute to S. B. No. 178, page 1, Section 1, by striking out lines 39, 40, 41, 42, 43, and 44 in said Section.

Senator Aikin asked unanimous consent to move at this time that the regular order of business and pending business be suspended to take up H. B. No. 29 on its second reading and passage to third reading.

The President announced there was objection to the request.

Senator Stone offered the following substitute for the amendment by Senator Lovelady:

Amend H. B. No. 364, as substituted, by striking out the second paragraph of Section 1 and by inserting in lieu thereof the following:

"Provided however in counties having more than 4,001 scholastics and less than 8,001 scholastics, where no supervisor is employed and where the total expense for office assistants does not exceed Eighteen Hundred (\$1,800.00) Dollars per annum the salary of the county superintendent may be set at a sum not to exceed Three Thousand (\$3,000.00) Dollars per annum by action of the county board of trustees."

The substitute was adopted.

The amendment as substituted was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend committee substitute for H. B. No. 364, page 2, lines 5 and 6, by striking out of said lines the following: "County Superintendent of Public Instruction may with the approval of the," and insert after the word "Education," in line 6, the word "may."

On motion of Senator Van Zandt, the amendment was tabled.

Senator Chadick offered the following amendment to the bill:

Amend H. B. No. 364 by adding a new Section to be properly numbered to read as follows:

"That no county superintendent of public instruction shall receive less yearly salary than that provided for him at the time he was elected to the current term during the current term he is serving and the provisions of this Act shall become effective at the expiration of the current elective term of each county superintendent of public instruction."

Pending consideration of the amendment, Senator Chadick was permitted to withdraw it.

On motion of Senator Van Zandt and by unanimous consent, it was ordered that the caption be amended to conform to the body of the bill as amended.

The bill was passed to third reading.

Committee Substitute House Bill 364 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 364 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Absent—Excused

Cotten	Weinert
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Martin
Brownlee	Mauritz
Chadick	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Kelley	Van Zandt
Lanning	Vick
Lemens	Winfield
Lovelady	York

Nays—3

Isbell	Sulak
Stone	

Absent

Beck

Absent—Excused

Cotten	Weinert
Spears	

House Concurrent Resolution 107

The President laid before the Senate (the resolution having been received from the House today):

H. C. R. No. 107, Authorizing a correction to be made in enrolled copy of H. B. No. 8 by changing the word "entire," to "invested."

The resolution was read, and by unanimous consent, it was considered immediately.

The resolution was lost.

House Bill 238 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 238 at this time.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Question—Shall the bill be passed to third reading?

Conference Committee on House Bill 444

Senator Metcalfe called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 444.

Senator Metcalfe moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Metcalfe, Moffett, Aikin, Lovelady and Mauritz.

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following message: Hall of the House of Representatives, Austin, Texas, April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has rejected S. C. R. No. 43 by adopting an amendment to strike out the resolving clause.

The House has passed H. S. R. No. 241 requesting the President of the Senate to appoint the Senate conferees

on H. B. No. 373 at the earliest possible moment.

The House has adopted the Conference Committee report on H. B. No. 247 by a vote of 132 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 16 by a vote of 117 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted the following report at this time:

Austin, Texas,
April 30, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 452, A bill to be entitled "An Act to permit the commissioners' court of any county to appropriate out of the general fund or any other available fund of the county funds for the administration of Child Welfare Boards and/or to provide services to and/or support of needy children; to provide also foster home care for children under certain circumstances; providing a repealing clause; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and we desire to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Report of Conference Committee on House Bill 76

Senator Van Zandt moved that the report of the Conference Committee on H. B. No. 76 (submitted on yesterday) be adopted at this time.

Senator Hazlewood submitted the following motion in writing:

I move as a substitute for the motion by Senator Van Zandt that the report of the Conference Committee on H. B. No. 76 be rejected, that a new Conference Committee be appointed and that the committee be instructed to retain in its report the amendment which was adopted by the Senate remitting penalties only.

HAZLEWOOD.

Senator Moore moved that the report be tabled.

Senator Moffett raised the point of order that a motion to table is not applicable to a report of a Conference Committee.

The President sustained the point of order.

Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn prevailed by the following vote:

Yeas—13

Aikin	Martin
Brownlee	Moffett
Chadick	Ramsey
Graves	Shivers
Hill	Stone
Isbell	Van Zandt
Lemens	

Nays—11

Formby	Smith
Hazlewood	Sulak
Lovelady	Vick
Mauritz	Winfield
Metcalf	York
Moore	

Absent

Beck	Kelley
Fain	Lanning

Absent—Excused

Cotten	Weinert
Spears	

The Senate, accordingly, at 5:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SIXTY-SECOND DAY

(Thursday, May 1, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Fain	Isbell